

REMARKS

Applicant submits this Amendment concurrently with a Request for Continued Examination (RCE). Claims 1-14 are pending in this application. Claim 1 is the only independent claim.

Applicant also submits an Information Disclosure Statement (IDS). Applicant respectfully requests that the Examiner consider the IDS and indicate that it was considered by making appropriate notations on the accompanying Form PTO 1449 and returning a copy thereof to Applicant.

The Examiner indicated that claim 7 contains allowable subject matter. See Office Action, page 3. Applicant appreciates the Examiner's continued indication of allowable subject matter.

The Examiner rejected claims 1-6, 8, 9, and 14 under 35 U.S.C. § 102(b) as being anticipated by Robertson et al. (U.S. Patent No. 4,341,728) and rejected claims 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Robertson et al. in view of Pryor et al. (U.S. Patent No. 5,217,450).

Applicant respectfully traverses the rejection of claims 1-6, 8, 9, and 14 under 35 U.S.C. § 102(b) because Robertson et al. fails to disclose all of the elements recited in the claims. In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102(b), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126,

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1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Finally, “[t]he elements must be arranged as required by the claim.” M.P.E.P. § 2131.

For example, Robertson et al. fails to disclose a substance delivery device including, among other things, “a support frame having at least two resilient arms . . . wherein each resilient arm is capable of receiving and releasing a separate substance delivery means,” as recited in independent claim 1. Robertson et al. discloses an IUD 11 including a stem portion 12 that supports a drug-dispending attachment 15. See col. 3, lines 28-30. The attachment 15 includes a sleeve 16. See col. 3, lines 30-32. As disclosed in col. 1, lines 61-62 and col. 2, lines 15-17, the sleeve 16, swollen in a solvent, is slipped onto and tightly secured on the stem portion 12 of the IUD 11. Although Robertson et al. discloses the stem portion 12 on which the sleeve 16 of the drug-dispending attachment 15 is tightly secured, it fails to disclose that each of the two extending portions of the IUD 11 shown in Fig. 1 is “capable of receiving and releasing a separate substance delivery means.” For at least this reason, Robertson et al. fails to anticipate independent claim 1.

Pryor et al. fails to make up for this deficiency in Robertson et al. because it too fails to disclose or suggest a substance delivery device including, among other things, “at least two resilient arms . . . wherein each resilient arm is capable of receiving and releasing a separate substance delivery means,” as recited in independent claim 1. As shown in Figs. 1 and 2, Pryor et al. discloses a device 9 having foldable legs 10. Pryor et al. further discloses that the device 9 further comprises a skeleton 11 onto which a drug carrying matrix 12 is applied. See col. 2, lines 18-24. Although Pryor et al. discloses the skeleton 11 onto which the drug carrying matrix 12 is applied, it fails to

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disclose or suggest that each of the two foldable legs 10 is "capable of receiving and releasing a separate substance delivery means."

For at least the foregoing reasons, independent claim 1 is in condition for allowance. Claims 2-14 are in condition for allowance at least by virtue of their dependency from allowable independent claim 1. Accordingly, Applicant respectfully requests timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: December 29, 2003

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